

Industry: **Big Ox Energy Siouxland, LLC**
Address: **1616 D Avenue**
South Sioux City, NE 68776
IU Permit No.: **2018-31-I**

NOTICE OF VIOLATION
City of Sioux City, Iowa
Industrial Pretreatment Program
February 7, 2019

LEGAL AUTHORITY

The following findings are issued and notice provided pursuant to the authority vested in the City of Sioux City, Iowa Industrial Pretreatment Program, under Title 13 of the Sioux City Municipal Code "Sewers". This order is based on findings of violation of the conditions of the wastewater discharge permit issued under 13.07.270 of the City's Sewers and Sewer Disposal Ordinance.

FINDINGS

1. The City of Sioux City, Iowa is charged with the construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the City of Sioux City, Iowa administers a pretreatment program.
3. Under this pretreatment program, **Big Ox Energy Siouxland** was issued a discharge permit.
4. On June 29, 2018, the City of Sioux City issued a Compliance Order to **Big Ox Energy Siouxland** which required pollutant loadings (TSS) to be less than **48,509 lbs./day** as a maximum daily limitation.
5. On November 25, 2018, Reissued Permit No. 2018-31-I went into effect. The permit incorporates the above daily maximum loading limit of **48,509 lbs./day TSS** as well as a **monthly average not to exceed 20,000 lbs./day TSS**.
6. The previous NOV dated January 23, 2019 documents maximum daily limitation exceedances through that date associated with TSS loadings; this NOV documents on-going noncompliance with the Reissued Permit No. 2018-31-I documented as follows:
 - January 27, 2019- 59,014 lbs. TSS
 - January 28, 2019- 53,504 lbs. TSS
 - January 31, 2019- 78,892 lbs. TSS

A fine of \$1,000 per day per violation is hereby issued associated with the maximum daily TSS limitation.

7. For the Month of January 2019, monthly average TSS was 32,272 lbs./day exceeding the monthly average limit of 20,000 lbs./day TSS. In accordance with the City's ERP, this violation is associated with on-going TSS loading violations which are impacting the WWTP and will be fined \$1,000 per the ERP fine schedule.
8. As outlined above, the total fine for the violations documented above amounts to \$4,000. This is in addition to any fines or charges previously issued. Fines will be assessed on the next sewer use surcharge invoice and are non-negotiable.
9. The Sioux City WWTP began exceeding effluent limits for TSS beginning 1-24-2019. Equipment repairs have reduced solids removal capabilities leading to extreme elevated solids concentrations in the secondary treatment process. Decreased settling capabilities and biological activity due to cold weather in addition to BOE TSS discharges have resulted in WWTP's inability to meet weekly and monthly TSS effluent limits. It is imperative that Big Ox take every measure to maintain compliance with permit limits so that the WWTP can meet its limits.

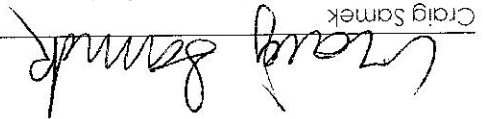
NOTICE AND REQUIRED ACTIONS

THEREFORE, BASED ON THE ABOVE FINDINGS, BIG OX ENERGY SIOUXLAND IS HEREBY NOTIFIED THAT:

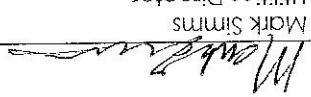
It is an on-going violation of its discharge permit and the Title 13 of the Sioux City Municipal Code "Sewers" of Sioux City, Iowa and the following specific actions are required. Note that these items are contingent on the consent of the regulatory authorities for the Sioux City, Iowa POTW.

1. Within 10 Days of receiving this letter, **Big Ox Energy Siouxland** must respond in writing with the following information:
 - An explanation for the violation(s)
 - A plan to mitigate this type of violation(s) in the future
2. All requirements in previously-issued Orders are fully in-effect including fines and notification requirements.

Signatures


Craig Samek

Industrial Pretreatment Coordinator
City of Sioux City, Iowa


Mark Simms

Utilities Director
City of Sioux City, Iowa

February 7, 2019

Date of Issuance of ROW


Copy: 2-7-19

IDNR

NDEQ

City of South Sioux City